

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

T.R., by and through his guardian and next friend, R.R.; S.P., by and through her mother and next friend, D.H.; C.A., by and through her mother and next friend, A.A.; T.F., by and through her father and next friend, D.F.; P.S., by and through his mother and next friend, W.S.; T.V., by and through his guardian and next friend. C.D.; E.H. by and through his mother and next friend, C.H.; E.D., by and through his mother and next friend, A.D.; and L.F.S., by and through his mother and next friend, B.S.,

Plaintiffs,

v.

KEVIN QUIGLEY, not individually, but solely in his official capacity as Secretary of the Washington State Department of Social and Health Services; and DOROTHY TEETER, not individually, but solely in her official capacity as the Director of the Washington State Health Care Authority,

Defendants.

C09-1677 TSZ

**ORDER GRANTING JOINT MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT AGREEMENT**

1 THIS MATTER having come before the Court on the parties' Joint Motion for Final
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3 Approval of Class Action Settlement Agreement, docket no. 134, and having been duly
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5 considered, the Court makes the following findings:
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8 The Court has jurisdiction over the claims against all Defendants pursuant to 28 U.S.C.
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10 §§ 1331, 1343(a). Venue is proper in the Western District of Washington pursuant to 28 U.S.C.
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12 § 1391(b).
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14 The Court preliminarily approved the parties' proposed Settlement Agreement on
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16 September 27, 2013. Order (docket no. 125). The Court further approved the parties' notice to
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18 class members regarding the proposed settlement as well as the method for distributing the notice
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20 as described in the Notice Plan, attached as Exhibit 3 to Plaintiffs' Motion for Preliminary
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22 Approval of Class Action Settlement Agreement, docket no. 119-3.
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25 The parties complied with the Notice Plan in all material respects, meeting the due
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27 process requirements of the United States Constitution and Federal Rule of Civil Procedure
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29 23(e). Class members had until December 5, 2013, to file written objections with the United
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31 States District Court or to serve the objections on counsel for the parties.
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34 The Court conducted a final approval hearing on December 19, 2013, in Seattle,
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36 Washington. Counsel for Plaintiffs and Defendants presented argument as to why the Settlement
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38 Agreement is fair, reasonable, and adequate and should be approved. Class members and others
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40 thereby affected received adequate opportunity to object.
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44 The proposed Settlement Agreement, attached as Exhibit 1 to Plaintiffs' Motion for
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46 Preliminary Approval, docket no. 119-1, is fair, reasonable, and adequate, given the amount that
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48 Plaintiffs have obtained in settlement weighed against the strength of their claims. Further
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1 litigation would expose both sides to risk and expense, given the complexity of this lawsuit and
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3 the likely duration of litigation. The Settlement Agreement is the result of arms' length
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5 negotiations, conducted after thorough factual and legal investigation and discovery, and is not
6
7 the product of fraud, collusion, or overreaching. Experienced counsel and children's mental
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9 health stakeholders favor approval of the proposed Settlement Agreement. The Court has
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11 reviewed and considered the objections of class members and finds that they do not raise
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13 concerns that alter the underlying fairness, reasonableness, and adequacy of the settlement.
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16 The Court, having fully considered the matter and good cause appearing, hereby
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19 **ORDERS:**
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- 21 1. The parties' Joint Motion for Final Approval of Class Action Settlement
22 Agreement, docket no. 134, is GRANTED. The Court FINDS and CONCLUDES
23 that the settlement is fair, reasonable, and adequate.
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- 26 2. The parties' Settlement Agreement, attached as Exhibit 1 to Plaintiffs' Motion for
27 Preliminary Approval of Class Action Settlement Agreement, docket no. 119-1, is
28 APPROVED.
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- 31 3. The parties to the Settlement Agreement shall perform all of their obligations
32 thereunder. The case will be administratively CLOSED, but the Court shall retain
33 jurisdiction over the matter to enforce the provisions of the Settlement
34 Agreement.
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- 37 4. The Settlement Agreement is binding on class members. It settles all of
38 Plaintiffs' claims for class-wide relief against Defendants that were asserted in the
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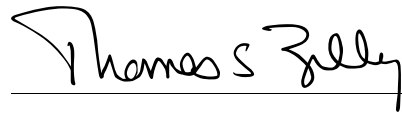
1 Complaint filed on November 24, 2009, or First Amended Complaint filed on
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3 October 27, 2011.
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5 5. On or before June 30, 2018, the parties shall file a Joint Status Report indicating
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7 whether the conditions of the Settlement Agreement have been satisfied and
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9 whether this case can be dismissed with prejudice.
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12 6. The Clerk is directed to send a copy of this Order to all counsel of record.
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15 **IT IS SO ORDERED.**
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17 Dated this 19th day of December, 2013.
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24 Thomas S. Zilly
25 United States District Judge
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